

REMARKS

This Amendment is responsive to the Final Action dated June 5, 2008 in which the Examiner rejected all claims pending in the application. The shortened statutory period for filing a response having expired on September 5, 2008, Applicant submits herewith a Three-month Extension Petition to reset the deadline for response to the Office Action to and including December 5, 2008. Claims 9-16 are pending in the application. Claim 9 has been amended. The amendments with respect to the supporting element are fully supported in the specification, including at paragraph [0021], and those with respect to the relationship between the retaining element and the organ member are also fully supported in specification, including at FIGS. 4-7 and paragraph [0033]. Thus there is no new matter included in these amendments.

Applicant submits that claims 9-16 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

In the Office Action, the Examiner rejected claims 9, 10, and 15 under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 4,843,791 to Michlovic ("*Michlovic*"). Applicant respectfully submits, however, that the Examiner's characterization of the features disclosed in *Michlovic* is mistaken. For example, with regard to claim 9, the Examiner cites reference numerals 56 and 58 as corresponding to grooves for engagement with a side edge of a portion of a façade. This characterization is not accurate. In fact, numerals 56 and 58 correspond to "vanes," the purpose of which is "to enhance the sealing of the joint fitting 10 onto the gasket strips." See *Michlovic*, FIG. 4 and accompanying description at col.3, 11.12-16.

Furthermore, applicant has amended claim 9 to clarify the structure of the grooves by adding the language "said distance element. . . including a groove configured to grip the side edge of a portion of said façade, thereby preventing movement of the facade." The vanes of *Michlovic* are not grooves configured to grip the side edge of a façade to prevent movement of the façade, as required by claim 9.

In addition, Applicant has further amended claim 9 to recite "at least one retaining element attached to said distance element by means of an organ member attached to said at least one retaining element in a manner permitting vertical movement of the element during mounting of said façade." This feature is not taught by the prior art. For example, the façade of *Michlovic* includes panels 17 having rigid members 15 positioned at the intersection of the panels to hold the panels in place. See *Michlovic* FIG. 1 and description at col.2 ll.38-40. Fastening mechanisms 50, in the form of nuts or screws, secure the rigid member to the frame of a building. See *id.* at col.3 ll.3-11. Applicant respectfully submits that such an arrangement does not allow for vertical movement of the element during mounting of the façade as required by claim 9.

Claims 10 and 15 require a connection unit that is attached to the distance element, at least one supporting element, and at least one retaining element. *Michlovic* does not teach a connection unit, but rather discloses a rigid member attached directly to the frame of a building, as discussed above. The Examiner asserts that the fastening mechanism 50 disclosed in *Michlovic* reads on the connection unit of the present claims, but the Examiner is mistaken. The fastening mechanism 50 of *Michlovic* is a bolt that passes through apertures in the rigid member and secures the rigid member to a support. This structure is entirely different from the

structure of the connection unit claimed in claims 10 and 15. Accordingly, applicant respectfully submits that *Michlovic* does not anticipate claims 10 and 15.

Next, The Examiner has rejected claims 9-11 under 35 U.S.C. § 102(a) as anticipated by U.S. Pat. No. 6,289,646 to *Watanabe* ("*Watanabe*"). Applicant respectfully submits that *Watanabe* does not even obviate these claims, much less anticipate them. Claim 9 recites "at least one retaining element attached to said distance element and including a groove configured to grip the side edge of a portion of said façade." Attachment of the retaining element to the side of a façade prevents significant movement thereof toward or away from the building and maintains the fixed position of the façade in relation to the building. Moreover, such a configuration enables the support elements merely to support the weight of the façade without performing a retaining function, thereby assisting with the safe and efficient mounting of the façade from inside the building.

Applicant submits that *Watanabe* does not disclose a retaining element that attaches to a side edge of a façade as set forth in claim 9. Instead, *Watanabe* discloses a metal fixture for installing siding where the metal fixture grips the siding from above with an upper metal fitting and from below with a lower metal fitting. See *Watanabe*, col.1 l.63 - col.2 l.4. Applicant respectfully draws the Examiner's attention to the fact that this argument was raised in the response filed by Applicant on February 25, 2008. In the present Office Action the Examiner asserts that this, as well as other arguments made in Applicant's prior response, are moot in view of new grounds of rejection. Yet this argument was previously presented to explain why the present claims are patentable over *Watanabe*.

In addition, Applicant has amended claim 9 to recite

"at least one supporting element attached to said distance element and configured to engage a bottom edge of a portion of said façade so as to secure the vertical load of said façade when the façade is in place on the building, while allowing vertical movement of the façade during the mounting operation thereof."

The configuration of the installation system disclosed in *Watanabe* includes metal fixtures limiting movement of sidings by gripping the sidings on the top and the bottom. Such a configuration does not allow for vertical movement of a façade during the mounting operation thereof, as required by claim 9. Accordingly, the Examiner's rejection of the present claims as anticipated by *Watanabe* is traversed.

Finally, the Examiner has rejected claims 12-14 under 35 U.S.C. § 103(a) as being obvious over *Watanabe*, as well as claim 16 as being obvious over *Watanabe* in view of U.S. Pat. No. 5,355,645 to Farag ("*Farag*"). Claim 12 recites "said waist [of the retaining element] is configured to traverse said façade at a side edge thereof." As discussed above, this feature is not disclosed in *Watanabe*.

Additionally, claims 12 and 13 require that the coupling engagement portion and the flange portion of the retaining element each taper away from opposing surfaces of the façade and that said flange portion of said at least one retaining element is biased in a direction toward the façade. Despite the Examiner's assertion to the contrary, Applicant respectfully submits that this feature, which is clearly not taught in *Watanabe*, would likewise not be obvious in view thereof. In fact, *Watanabe* specifically teaches that no gap is formed between upper fitting 3 or lower fitting 4 and the siding 72, thus preventing rainwater from penetrating such a gap. See *Watanabe* col.7 ll.55-62.

Claim 14 recites "wherein said coupling organ is operatively engaged with said connection unit, and moveable with respect thereto." *Watanabe* does not teach a connection unit as set forth in claim 14, nor are any of the components of the metal fixture assembly in *Watanabe* moveable with respect to one another. The Examiner has not shown in the prior art where these features are taught, nor has she taken official notice that these features are obvious in view of *Watanabe* alone. Accordingly, the obviousness rejection of claim 14 cannot stand.

With regard to claim 16, neither *Watanabe* nor *Farag* disclose retaining elements including a groove configured to grip a side edge of a portion of a faced as required by claim 9, from which claim 16 ultimately depends. Likewise, neither *Watanabe* nor *Farag* disclose the connection unit set forth in claim 10, from which claim 16 depends. Thus, Applicant respectfully submits that the obviousness rejection of claim 16 is traversed.

Finally, because dependent claims 10-16 depend on independent claim 9, and dependent claims inherit the limitations of their respective base claims, claims 10-16 are patentable over the cited references for at least the same reasons discussed in connection with claim 9.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 10/501,809

Docket No.: ALBIHN W 3.3-454

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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